## CUPA Name: San Benito County Date of Evaluation: May 18 and May 19, 2006

## **State Evaluation Team:**

Cal/EPA Team Leader: Robbie Morris and John Paine

DTSC Evaluator: Mark Pear OES Evaluator: Fred Mehr

SWRCB Evaluator: Sean Farrow

OSFM Evaluator.

## **Deficiencies and Corrective Actions**

\*

Deficiency # 1 and # 2: The CUPA has not met the mandated inspection frequencies for those regulated businesses for an inspection once every year (UGT) and every three years (other program elements).

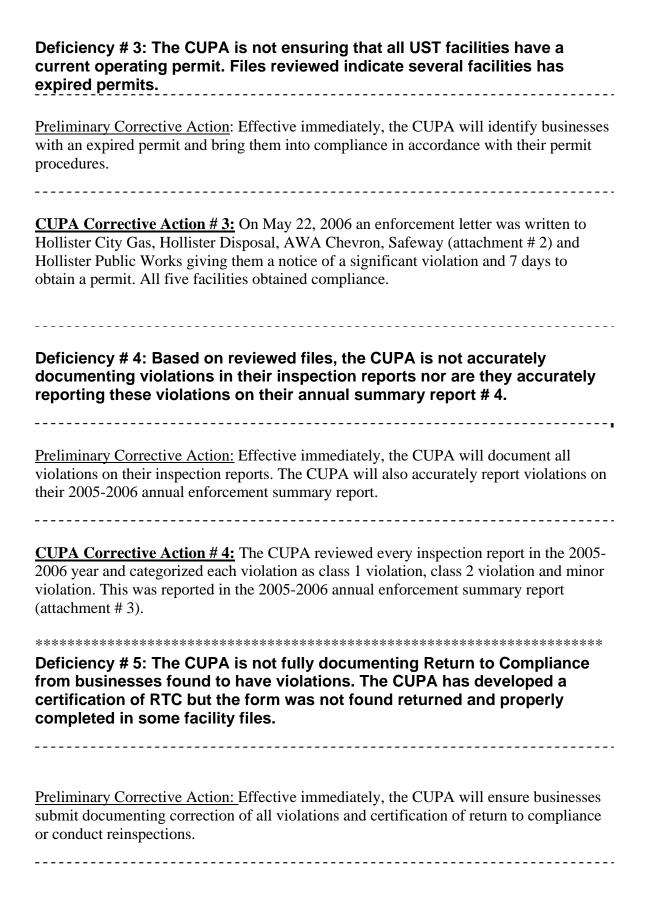
\*

<u>Preliminary Corrective Action:</u> Will be to increase the number of inspections to meet all required inspection frequencies. By September 1, 2006, the CUPA will identify how they will meet the required number of inspections for future fiscal years.

CUPA Corrective Action # 1, #2: The 2005-2006 fiscal year had a total number of business plan facilities at 236. The goal is to conduct 90 inspections each year to maintain an acceptable inspection program. This year (2005-2006) we inspected 85 program elements. The number of business plan inspections conducted by the CUPA totaled 31; all five UGT facilities were inspected in the County by the CUPA for a total of 10 underground tank system inspections; 43 hazardous waste generators were inspected by the CUPA and the CUPA conducted one inspection of a CalARP site. The PA is required to perform inspections for 71 HMBP sites and 18 UGT facilities with 53 UGT inspections; that is, 76 inspections per year. In 2005-2006 the PA performed 19 business plan inspections and one UGT inspection with 3 tanks for a total of 21 inspections for the 2005-2006.

The inventory for 2006-2007 has increased and the PA has opted out of the program thereby increasing the minimum number of inspections to 179. To this end, I have requested 1407 hours for the 2006-2007 fiscal year to meet the minimum requirements (attachment # 1)

\*



CUPA Corrective Action # 5: Return to compliance forms are sent out with each inspection report (attachment # 4). It is hoped that businesses mail in their return to compliance in a timely manner although this is not always the case. As time permits we are sending out enforcement notices for those businesses that have not submitted their return to compliance.
Deficiency # 6: The CUPA's Unidocs map is missing two required elements. The missing elements are "Adjacent Property Use" and Access and egress points.
Preliminary Corrective Action: The deficiency was corrected during the evaluation by providing the county map in place of the Unidocs map.
<u>CUPA Corrective Action # 6:</u> We continue to provide county mapping procedures.
Deficiency # 7: The CUPA is not enforcing the mandated requirement for businesses to review and update their emergency response procedures triannually. Numerous business plan reviews are missing emergency response contingency plans.
Preliminary Corrective Action: By October 1, 2006, the CUPA will_develop a process to ensure that each business certifies to the CUPA, and that each business has reviewed their emergency response procedures on a tri-annual basis and make necessary changes.
CUPA Corrective Action #7: An employee training plan, record keeping procedures and emergency equipment inventory table has been developed for inclusion in with the annual declaration (attachment #5). The county has been developed and used an emergency plan template for the past year however it is provided as a part of the inspection process and has not been made readily accessible to the business population until they have been inspected (attachment #6)

Deficiency # 8: Review of the UGT files indicates business permits do not contain all required UST permit conditions. The permit is missing "monitoring requirements" and the following statements: (a) The approved

permit; (b) The owner and operator are subject to all applicable requirements of Chapter 6.7 and chapter 6.75 of the Health and Safety Code and title 23 division 3 chapters 16 and 18 and; (c) The permit is to be maintained on site.
Preliminary Corrective Action: By June 30, 2006, the CUPA will amend their permit to include these requirements
CUPA Corrective Action #8: See attachment #7.
**************************************
Deficiency # 9: Based on review of the CUPA files, some of the businesses were missing monitoring plans.
<u>Preliminary Corrective Action:</u> By October 1, 2006, the CUPA will review their files to identify those missing the monitoring plans and request those businesses submit monitoring plans.
**************************************
<u>CUPA Corrective Action # 9:</u> Files have been reviewed and a template monitoring plan is being developed redesigned to be provided during the next annual UGT inspection (attachment # 8).
Deficiency # 10: The CUPA is approving UST plot plans without all of the required elements.
<u>Preliminary Corrective Action:</u> Effective immediately, the CUPA will approve UST plot plans that have all of the required elements including the sensor and equipment locations; tank annular space; sumps and dispenser pan; spill containers or other secondary containment areas; mechanical or electronic leak detectors and; in-tank liquid level probes.
CUPA Corrective Action # 10: UST plot plans will be checked for accuracy with the above preliminary corrective action note and any required changes and/or additions will be addressed during the next scheduled inspection as a violation and correction notice.